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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,026	07/13/2000	G. Michael Phillips	35512-00035	3955

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EXAMINER

RAHMJOO, MIKE

ART UNIT PAPER NUMBER

2672

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/615,026

Applicant(s)

PHILLIPS ET AL.

Examiner

Mike Rahmjoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, and 3- 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Harvard Graphics.

As per claim 1, 12, and 19- 22 Harvard Graphics teaches plurality of data points on page 11-33, wherein each of the data points include projections in the bar chart and the chart represents measurements of x vs. y which show actual and projected values in different intensities (also discussed on 11- 42, 43 where the series are in color or grayscale); and the display characteristic of each data point is a function of the measure of the statistical significance of the estimated statistic included in said data point wherein height is one of the display characteristics which is a function of the measure of the statistical significance in the actual or the projected sales on page 11- 33; and a computer readable medium storing a computer executable process on page 2- 2.

As per claim 3, Harvard Graphics teaches data points are displayed in a bar graph that includes a separate bar for each asset shown one per actual bar of the year on the chart of page 11- 33.

As per claim 4, Harvard Graphics teaches each said bar is displayed at an intensity level that is a function of the measure of statistical significance of the measure of the tendency of the value of the asset corresponding to said bar to change on the chart of page 11- 33 wherein each bar of the actual and projected sales have different intensities (also discussed on 11- 42, 43 where the series are in color or grayscale).

As per claim 5, Harvard Graphics teaches a height of each said bar is a second function of the measure of the tendency of the value of the asset to change as a result of a change in the data value for the exogenous variable as per discussion of claim 1 and on the chart of page 11- 33 wherein the heights change.

As per claim 6, Harvard Graphics teaches the estimated statistic was estimated using a regression equation, and wherein the measure of statistical significance is a p value that was calculated from the regression equation on page 11- 44 wherein four types of regression (linear, exponential, logarithmic, and power curves) are used.

As per claim 7, Harvard Graphics teaches the function is linear on page 11- 36.

As per claim 8, Harvard Graphics teaches the function is non-linear on page 11- 36(log scale).

As per claim 9 and 18, Harvard Graphics teaches each said data point is displayed as a bar in a bar graph on page 11- 33 where each bar represents the sales of one particular year.

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As per claim 10, Harvard Graphics teaches statistical significance is an estimate of a probability that an actual value for said estimated statistic is outside of a specified confidence interval around an estimated value for said estimated statistic on page 11- 33 where the projected sales and the actual sales fall outside of each other by some margin which in this case is in units of millions of dollars.

As per claim 11, Harvard Graphics teaches calculation of the intensity for each said data point comprises determining 1 minus said estimate of probability (also discussed on 11- 42, 43 where the series are in color or grayscale).

As per claim 13, Harvard Graphics teaches display characteristic is a size of said each data point where on page 11- 33 each bar has different size as per projected or actual sales values.

As per claim 14- 17, Harvard Graphics teaches hue, saturation, brightness and color characteristics on pages 11- 42, 43 and 7- 17 where the series are in color or grayscale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harvard Graphics.

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As per claim 2, Harvard Graphics teaches the data point changes for different years that includes an identification and a measure of the tendency of an asset on the chart of page 11- 33.

However, it does not explicitly teach a measure of a tendency of a value of the asset to change as a result of a change in a data value for an exogenous variable.

It teaches the actual and projected sales as assets.

It would be obvious to one of ordinary in the art that the projected sales encamps many variables e.g. exogenous that contribute to the projections made.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure 6,317,700, 5,999,193, 6,100,900, 6,195,103, 5,333,244, and 4,845,653.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305-5658. The examiners can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713. The fax phone numbers for the


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organization where this application or proceeding is assigned are (703) 872-9314 (for TC2600 only) for regular communications and (703) 305-9051 for after final communications.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4700.

Mike Rahmjoo

August 30, 2002



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600